

IN THE HON'BLE SUPREME COURT OF INDIA
(CIVIL ORIGINAL JURISDICTION)

WRIT PETITION (CIVIL) NO. 494 OF 2012

IN THE MATTER OF :

JUSTICE K.S. PUTTA SWAMY (RETD.) & ANR. PETITIONERS


VERSUS

UNION OF INDIA & Ors.

.... RESPONDENTS

SHORT COUNTER AFFIDAVIT

ON BEHALF OF STATE OF HIMACHAL PRADESH


Joint Secretary (IT) to the
Government of Himachal Pradesh

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ADVOCATE FOR THE STATE OF HIMACHAL PRADESH

VARINDER KUMAR SHARMA

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Secretary (Legal)
Government of Himachal Pradesh

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Special Secretary
Government of Himachal Pradesh


SHORT COUNTER AFFIDAVIT ON BEHALF OF THE STATE OF
HIMACHAL PRADESH.

MOST RESPECTFULLY SHOWETH:

I, Priyatu Mandal S/O Sh. J. N. Mandal, aged 33 years, presently working as Special Secretary, Department of Information Technology, Government of Himachal, Shimla-171002 do hereby solemnly affirm and declare as under:

ATTESTED

Executive Magistrate, Shimla

1. I am conversant with the facts and circumstances of the matter and am competent and duly authorised to affirm this affidavit in my official capacity.
2. I say that I have conscientiously read the contents of the Writ Petition alongwith the annexures and interim orders handed down by this Hon'ble Court. I crave leave to file a more detailed affidavit at any later stage if so advised or as the circumstances may require.
3. I say that by way of the present writ petition the petitioners have *inter-alia* sought issuance of writ of mandamus for restraining the Respondents Nos. 1 to 3 from issuing Aadhaar numbers by way of implementing its executive order dated 28.01.2009 which according to the petitioners tantamount to implementing the provisions of the National Identification Authority of India Bill, 2010 pending before the Parliament.
4. I say that the State of Himachal Pradesh largely concurs with the affidavit filed by the Unique Identification Authority of India (hereinafter


Special Secretary (Legal) to the
Government of Himachal Pradesh

ATTESTED

referred to as "UIDAI") before this Hon'ble Court insofar as the rationale, usefulness, relevance and utility of Aadhar is concerned.

5. I say that the State of Himachal Pradesh is one of the leading States across the Country in terms of Aadhaar enrolments and Aadhaar generation. It is imperious to note that the work of Aadhaar enrollments was started in January, 2011 and till date 91% Aadhaar generation and 96% Aadhaar enrolments in the State has successfully been achieved. Furthermore, it is most respectfully submitted that for the left out residents (residents that are not yet enrolled under Aadhaar), enrolment centres are made available at the district level and the same are also being setup at block level.


Special Secretary (P.I.)
Government of Himachal Pradesh


6. I further say that the enrolment process in the State has been carried out by the State appointed UIDAI empanelled Registrars/ agencies and State has followed the robust procedures/ guidelines as prescribed by UIDAI to ensure that all the residents get enrolled under Aadhaar without any inconvenience and squabble.

ATTESTED


Attested Officer

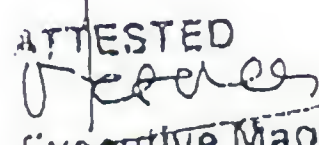
Services of the respective District Administration/Panchayat Secretaries are been taken to monitor the ongoing enrolment process.

7. I say that in order to ensure that only eligible residents get themselves enrolled proper procedure as prescribed by the UIDAI is rigorously followed. It is pertinent to note that for this purpose documents pertaining to "Proof of Identity" and "Proof of Address" are taken from the residents before their enrolment and the same are verified by the "Verifiers" duly appointed as per the guidelines prescribed by UIDAI.


Special Secretary
Government of India

8. I say that the process of delivery of Aadhaar letter to the residents has been made simpler and more convenient by providing them e-Aadhaar letters through approximately 2500 Common Service Centres setup across the State.

9. I further say that a "Call Centre" has been setup at the State level which works from 10 A.M to 7 P.M on all working days. Furthermore, the residents can very conveniently get any Aadhaar


ATTESTED

Executive Magistrate, Shimla.

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related information from the Call centre, including Aadhaar enrolment centre location, status of his/ her Aadhaar generation etc.

10. I say that in order to provide the information related to Aadhaar over the internet, Aadhaar resident portal www.aadhaar.hp.gov.in has been developed which provides features like Active Enrolment Station Check, Enrolment ID Online Check status, Self-Seeding, Direct Benefit Transfer status etc.

11. I say that the State of Himachal Pradesh is implementing various Social Benefit Schemes for its entitled residents including the schemes sponsored by the Central Government.


Special Secretary (P & I)
Government of Himachal Pradesh

12. I further say that the State Government is required to comply with the conditions as prescribed or stipulated by the Central Government qua the Central Government sponsored Schemes wherever entitlement/disbursement of benefits has been linked with Aadhar number/enrolment.

ATTESTED

Executive Magistrate, Shimla

13. I say that the State of Himachal Pradesh has already started Direct Benefit Transfer (hereinafter referred to as "DBT") scheme by disbursing the benefits directly into the Aadhaar Enabled Bank Accounts of the entitled beneficiaries. However, at this juncture it becomes pertinent to mention that for the left out residents (residents that are not yet enrolled under Aadhaar) the benefits are being extended through conventional methods.

14. I further say that DBT facilitates elimination of ghost beneficiaries and brings transparency under various active government schemes apart from being an additional convenience to the entitled beneficiaries/residents.

Special Secretary (IT) to the
Government of Himachal Pradesh

15. I say that an amount of Rs.15.07 Crore (approx.) has already been transferred successfully into the Aadhaar enabled bank accounts of 19,720 beneficiaries under various schemes. It is most respectfully submitted that DBT has significantly helped the State in ensuring that the benefit reaches the beneficiary in time and has also helped the State in preventing siphoning of public money/fund.

ATTESTED
[Signature]

16. I say that the State of Himachal Pradesh has made considerable progress in linking/seeding of Aadhaar number in various department databases which will allow State to target its services and remove beneficiaries who are not really entitled. These databases are Parivar Register, Employment Exchange Registration, Pensioners data, scholarship data, Ration Cards, MNREGA data etc.

It is pertinent to note that the population of the State of Himachal Pradesh is 68 lacs (approximately) however as per Ration Card records the population comes to 75 lacs (approximately). It is axiomatic that seeding/linking of Ration Card database with Aadhaar numbers will facilitate the State Government to eliminate the ghost/fake beneficiaries as and when the seeding/linking is completed.

17. I say that the State intends to make Aadhaar a single source of identity verification. Residents would get spared from the hassle of repeatedly providing supporting identity

ATTESTED

Executive Magistrate Shimla

documents each time they wish to access services such as obtaining a bank account, passport, driving license and so on.

18. I say that by providing a clear proof of identity, Aadhaar will also facilitate entry for poor and underprivileged residents into the formal banking system and entail them the opportunity to avail services provided by the State Government.

19. I further say that the State intends to utilize the Aadhaar Authentication system by Authenticating the beneficiaries while delivery of services to them through their demographic and biometric information so that the benefit is availed by the eligible and targeted beneficiaries only.

Special Assistant
Government of India

20. I say that the State of Himachal Pradesh has ensured that there is no denial of Government services/benefits on account of non-availability of Aadhaar. The State has taken adequate steps and given sufficient time to the residents for enrolling themselves under Aadhaar.

ATTESTED
Executive Magistrate, Shimla

Deponent

VERIFICATION:

Verified on this day of December, 2013 that the contents of the short counter affidavit herein above are true and correct to the best of my knowledge and belief and nothing material has been concealed therefrom.

ATTESTED

Executive Magistrate, Shimla

1058/2013
Declared before me this 9th day of Dec.
2013 on oath (solemn affirmation) by
Shri. Prayatu Mandal Spl. Secy (IT) to the Govt.
who is personally known to me or who
is identified by
who is personally known to me.

Deponent
Secretary (IT) to the
Government of Himachal Pradesh

Executive Magistrate